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Attorneys for the United States.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Rodolfo Alfaro Malo, <i>et al.</i> ,	)	2:10-CV-02257-RLH-PAL
	)	
Plaintiffs,	)	DEFENDANTS' <b>UNOPPOSED</b>
	)	REQUEST FOR EXTENSION
v.	)	OF TIME TO FILE AN ANSWER OR
	)	APPROPRIATE PLEADING TO
Janet Napolitano, <i>et al.</i> ,	)	PLAINTIFFS' COMPLAINT
	)	(Second Request)
Defendants.	)	
_____	)	

Defendants, by and through their attorneys, Daniel G. Bogden,  
 United States Attorney for the District of Nevada, Carlos A.  
 Gonzalez, Assistant United States Attorney, and Aram A. Gavoar,  
 Trial Attorney, Office of Immigration Litigation - District Court  
 Section, respectfully request a One-Hundred Twenty (120) day  
 extension of time, up to and including August 29, 2011, in which  
 to file a responsive pleading to Plaintiffs' Complaint.

In support of this request for an extension of time,

1 Defendants rely upon the Memorandum of Points and Authorities set  
2 forth below.

3 DATED this 8th day of April, 2011.

4 Respectfully submitted,

5 Daniel G. Bogden  
United States Attorney

TONY WEST  
Assistant Attorney General  
Civil Division

6 Carlos A. Gonzalez  
7 Assistant U.S. Attorney

ELIZABETH J. STEVENS  
Assistant Director  
District Court Section  
Office of Immigration Litigation

9 /s/ Aram A. Gavoore

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CT State Bar No.: 426-472

16 Attorneys for Defendants

17 OF COUNSEL:

18 Pilar P. Luna, Senior Service Center Counsel  
U.S. Department of Homeland Security  
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1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2       **I.     BACKGROUND**

3           The instant controversy involves the denial of an H-1B non-  
4 immigrant visa. Defendant United States Citizenship and  
5 Immigration Services (USCIS) has conferred with Plaintiffs,  
6 through counsel, and has concluded that it is appropriate to  
7 reopen the denied H-1B petition for further administrative  
8 proceedings before the USCIS California Service Center, and if  
9 necessary, the USCIS Administrative Appeals Office. The process  
10 involves an opportunity for Plaintiffs to submit additional  
11 briefing and/or respond to specific USCIS concerns about whether  
12 the H-1B visa is approvable. Accordingly, such process, while  
13 moving efficiently, will nonetheless require several months for  
14 for its completion, based in large-part on set regulatory time  
15 periods for Plaintiffs' optional briefing.

16       **II.    ARGUMENT**

17           The Federal Rules of Civil Procedure provide for an  
18 enlargement of time for cause shown.

19           When an act may or must be done within a specified  
20 time, the court may, for good cause, extend the time:  
21 (A) with or without motion or notice if the court acts,  
or if a request is made, before the original time or  
its extension expires . . . .

22 Fed. R. Civ. P., Rule 6(b).

23           This request is made prior to the expiration of time  
24 permitted to respond to Plaintiffs' Complaint.

25       **III. CONCLUSION**

26           Undersigned counsel contacted Mr. Seth L. Resko, counsel for  
Plaintiffs to ascertain his position on Defendants'. Mr. Resko

1 indicated that he **does not oppose** USCIS's reopening and  
2 continuation of administrative proceedings, and **does not oppose**  
3 the instant request for a One-Hundred Twenty (120) day extension  
4 of time.

5 Therefore, Defendants respectfully request that this  
6 honorable Court grant them an additional One-Hundred Twenty (120)  
7 day extension of time, up to and including August 29, 2011, in  
8 which to file an answer or otherwise respond to Plaintiffs'  
9 Complaint.

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1 DATED this 8th day of April, 2011.

2 Respectfully submitted,

3 Daniel G. Bogden  
United States Attorney

4 Carlos A. Gonzalez  
5 Assistant U.S. Attorney

TONY WEST  
Assistant Attorney General  
Civil Division

6 ELIZABETH J. STEVENS  
Assistant Director  
District Court Section  
Office of Immigration Litigation

7 /s/ Aram A. Gavoore  
8 ARAM A. GAVOOR  
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14 CT State Bar No.: 426-472

Attorneys for Defendants

15 OF COUNSEL:

16 Pilar P. Luna, Senior Service Center Counsel  
U.S. Department of Homeland Security

18 IT IS SO ORDERED:

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21 CHIEF UNITED STATES DISTRICT JUDGE

22 DATED: April 11, 2011  
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**PROOF OF SERVICE**

I, Aram A. Gavor certify that I caused the following individual to be served on this date by the below identified method of service:

Electronic Case Filing

Seth L Reszko  
Reza Athari & Associates  
6235 So. Pecos Rd.  
Suite 108  
Las Vegas, NV 89120  
Email: atharilaw@earthlink.net

DATED this 8th day of April, 2011.

/s/ Aram A. Gavor

ARAM A. GAVOOR

Trial Attorney

U.S. Department of Justice